CITY HALL COUNCIL CHAMBERS
SANTA MARIA, CALIFORNIA
REGULAR MEETING

NOVEMBER 18, 2008

CALL TO ORDER:
Mayor Lavagnino called the Regular Meeting of the City Council to order at 6:30 p.m.

ROLL CALL:
MEMBERS PRESENT
Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino

INVOCATION:
Assistant City Manager Haydon gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:
Councilmember Trujillo led the Pledge of Allegiance.

ROLL CALL:
MEMBERS PRESENT
Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino

STAFF MEMBERS PRESENT
City Attorney Trujillo, Assistant City Manager Haydon, Director of Public Works/City Engineer Whitehead, Planning Division Manager Woods, Police Chief Macagni, Fire Chief Ortiz, Director of Utilities Sweet, Director of Administrative Services Snodgrass, Community Programs Manager Coelho-Hudson, and Chief Deputy City Clerk Perez.

VOLUNTEER OF THE MONTH
Mayor Lavagnino presented a gift to the November Recreation and Parks Volunteer of the Month, Mrs. Martha "Marty" Plesche, for the exemplary way she assists seniors at the Elwin Mussell Senior Center, serving as the volunteer receptionist for the last two years.

PROCLAMATION – NATIONAL KEY CLUB WEEK
Councilmember Patino read a proclamation declaring the week of November 16-23, 2008, as National Key Club Week in the City of Santa Maria and calling upon all residents to support the members of this organization and make themselves aware of Key Club, whose members are preparing themselves to be better, more responsible citizens, as they provide meaningful service to the community. The proclamation was accepted by Victoria Adam, President of St. Joseph High School Key Club.

ANNOUNCEMENTS:
Mayor Lavagnino read two letters commending City staff. The first letter was from St. Mary of the Assumption School commending Public Works Director/City Engineer Whitehead and the Public Works Department staff for their quick response after a driver took out the fire hydrant in front of the school causing a flood of water and mud, a fallen tree, and subsequent sinkhole.

The second letter was from the City of Grover Beach thanking Management Analyst II Mark van de Kamp for his review of the City's website and a presentation he gave to the Grover Beach City Council regarding his recommendations for improvements to the website.

PUBLIC COMMENT
Sharon Knotts asked the Council to petition the Santa Maria Times to put a police "blotter" in the newspaper each day informing readers of arrests and cited violations by crime type and beat location. She complimented the Police Department and California Highway Patrol for their efforts to get unlicensed drivers off the streets.

Hugh Cates spoke about the U. S. Marine Corps leading the way for future interplanetary colonization.

Paula James commended the Santa Maria Police Department for accepting a $300,000 grant and for confiscating 489 vehicles from unlicensed drivers. She asked the Council to be frugal with the taxpayer's money in these economic times.

Mickey Freeman thanked Police Chief Macagni and the Police Department for the check points and confiscating vehicles from unlicensed drivers.

Michael Rivera spoke about the hateful way a business owner addressed members of the Minutemen Civil Defense Corps at the last City Council meeting. He said members of the Minutemen cared about the preservation of the Republic and rule of law. He also thanked Chief Macagni for getting the unlicensed drivers off the road.

Ernest Armenta said the members of the Minutemen Civil Defense Corps talked about illegal immigrants and called them criminals, rapists, and gang members. He said it was not fair to put them under one umbrella. He thanked Councilmember Trujillo for his service on the City Council.

CONSENT CALENDAR
Consent Calendar Items A through F were approved on motion by Councilmember Orach, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

A. ORDINANCES
The reading in full of all ordinances and resolutions was waived. Ordinances on the Consent Calendar were adopted by the same vote cast at the first reading unless City Council indicated otherwise.

B. MINUTES
The Minutes of the Regular City Council Meeting of November 4, 2008, were approved as submitted.

C. RELEASE OF BONDS
Council accepted as complete certain public improvements and authorized the release of bonds posted in connection with West A Street Business Center, Tract 5879, including a Faithful Performance Bond in the amount of $262,808 for the construction and installation of drainage/sewer system improvements and a Faithful Performance Bond in the amount of $257,345 for the construction and installation of water system improvements with the order that the Contractor, Labor and Material Bonds be retained until May 2009 and the Guarantee and Defective Material Bonds be retained until November 2009.

D. WARRANTS
Warrant Nos. 146261 to 146592 in the amount of $1,520,822.80 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Administrative Services. Warrant Nos. 139549, 142477, 145782, 145828, and 146204 were cancelled.

E. PAYROLL
Payment of payroll was ordered ratified subject to having been certified by the proper Department Heads, as shown on records on file in the Department of Administrative Services and having been approved for payment by the Director of Administrative Services.

F. LIMITED TIME PARKING ZONE

Resolution No. 2008-174 was adopted establishing a limited time parking zone on Boxcar Place along the northerly right-of-way from the westerly right-of-way of Railroad Avenue to the easterly right-of-way of Mogul Avenue from 12:00 a.m. to 6:00 a.m., seven days a week.

Resolution No. 2008-174 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADOPTING A LIMITED TIME PARKING ZONE ON BOXCAR PLACE PURSUANT TO SECTION 7-5.14 OF THE SANTA MARIA MUNICIPAL CODE.

CONSIDERATION OF THE BLOCK GRANTS ADVISORY COMMITTEE'S RECOMMENDATION FOR THE ALLOCATION OF FISCAL YEAR 2008-09 YOUTH SERVICES GRANT PROGRAM FUNDS.

Community Programs Manager Coelho-Hudson gave the staff report. The City Council is requested to approve the Block Grants Advisory Committee's recommendation for the allocation of $60,000 to non-profit organizations providing youth services. On January 10, 2008, the City Council conducted a joint meeting with the Block Grants Advisory Committee to discuss and clarify funding priorities for the allocation of Federal funds under the Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) Programs for Fiscal Year 2008-09. The consensus was that the majority of the CDBG and HOME funds continue to be used for the top priority of critical emergency services, leaving little funding for youth services. Concerns were expressed that more funding should be allocated to assist non-profit agencies providing services to youth. Consequently, the Council approved an allocation on a trial basis from the City's General Fund of $30,000 with direction to the Advisory Committee that this additional money be provided to youth development, prevention or intervention-type services. On June 17th, the City Council approved the allocation of $30,000 from the General Fund for Fiscal Year 2008-09 as part of the City's 2008-10 Budget. In addition, the City was successful in securing a $30,000 grant from the Orfalea Foundation.

As directed by the City Council, the Block Grants Advisory Committee conducted the application process including the review, evaluation and ranking of sixteen applications totaling $175,042. The Committee reviewed the applications and classified the types of programs proposed by the applicants. The categories established were: youth leadership, mental health, physical health, at-risk youth, education, and enrichment. After conducting interviews with the applicants, the Committee ranked the proposals within each category of program type and developed their recommendations.

Staff seeks policy direction from the City Council concerning continuation of the program in future fiscal years. If the City Council wishes to continue the program, staff will seek additional matching funds from outside sources for expansion of the program. She thanked the Block Grants Advisory Committee members for their hard work with this new program.

Mayor Lavagnino thanked Community Programs Manager Coelho-Hudson for obtaining the additional $30,000, and thanked Councilmember Zacarías for suggesting the City fund the program from the General Fund.

Councilmember Patino stated she had asked that part of the criteria to be used was outcome-based, scientific-based programs so the Council could see the results and the results would be measurable. She asked that outcome-based criteria be included in future. She wanted to see programs that really benefited kids. The Council wanted these children to know there was a better life out there. She thanked the Committee and Community Programs Manager Coelho-Hudson.

Councilmember Zacarías also thanked the Committee for their work and for the categories they developed for the analysis. She talked about Future Leaders of America which was an evidence-based program. She said she hoped the City would be able to find additional funding from other sources to keep the program going.

Mayor Lavagnino stated he sensed that the consensus of the Council was to continue the program and to try to find additional funding.

Councilmember Orach thanked the Advisory Committee for this special program that they took on in addition to the normal Community Development Block Grants funding cycle.

Representatives from Future Leaders of America thanked the City Council for supporting their program.

Ernest Armenta said the only organization he couldn't support was People's Self-Help Housing because it was only targeting residents of Los Adobes de Maria. He thought the program should be open to all.

Community Programs Manager Coelho-Hudson explained that while People's Self-Help Housing Corporation was targeting the residents of Los Adobes de Maria, the program was open to surrounding neighborhoods as well.

Resolution No. 2008-175 was adopted approving the allocation of $60,000 for youth services recommended by the Block Grants Advisory Committee as follows:

Camp Fire USA Central Coast Council	$ 2,500
Community Health Centers of the Central Coast/ Santa Maria High School TOPP Program	$10,000
Council on Alcoholism & Drug Abuse / Teen Court	$ 5,000
Court Appointed Special Advocates (CASA)	$ 6,000
Fighting Back Santa Maria Valley / Parent Project	$ 5,000
Future Leaders of America	$ 2,500
GenSpan Foundation / APPLE Program	$ 5,000
Northern Santa Barbara County United Way/ Teen Leadership	$ 5,000
PCPA Theaterfest / Education & Outreach Program	$ 3,000
Peoples' Self-Help Housing Corporation / Anti-Gang Youth Education Program	$ 6,000
Santa Maria Valley Youth and Family Center / Youth Substance Abuse Treatment Program	$10,000
TOTAL 2008-09 YOUTH SERVICES ALLOCATION	**$60,000**

on motion by Councilmember Zacarías, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2008-175 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE ACTIVITIES AND ALLOCATIONS FOR THE FISCAL YEAR 2008-09 YOUTH SERVICES GRANT PROGRAM.

STATUS REPORT – MASSAGE PERMIT REQUIREMENTS

City Attorney Trujillo gave the staff report. As originally enacted in June 2007, the City's new massage ordinance required at least 500 hours of massage instruction certified by the National Certification Board for Therapeutic Massage and Bodywork. Soon after the new ordinance was enacted, a number of legitimate massage practitioners complained about the number of hours of certified massage instruction required under the new regulations. Some practitioners advised staff that they would not be able to obtain this amount of certified instruction within the time allowed under the ordinance and would have to go out of business. Subsequently, the City Council amended the ordinance to reduce the minimum number of hours of certified massage training to 200 hours and allow the instruction to be from any "approved massage school" rather than requiring

certification by the National Certification Board for Therapeutic Massage and Bodywork. At that time Council requested staff bring back a status report after one year. Staff does not believe increasing the minimum number of hours of massage instruction to 500 hours is necessary. Since the new massage ordinance was adopted, all of the massage businesses suspected of engaging in prostitution in the City have ceased operations. The Police Department does not know of any massage businesses being used as a front for prostitution. In addition, it appears that most of the legitimate massage practitioners have been able to stay in business with the lowering of the minimum training requirements. Staff is not recommending any changes to the ordinance at this time.

Councilmember Zacarías asked about the new State legislation that created a voluntary certification process and asked if it was included in the report for information only or as a recommendation to increase the number of hours.

City Attorney Trujillo explained that it was for information. He said the law would take effect September 1, 2009. Any massage practitioner who elected to obtain the required training, would not have to go through the City's process and obtain a permit. SB 731 would pre-empt the City's ordinance.

Council received and filed the report.

PROPOSED SPEED LIMIT RECOMMENDATIONS – FIVE LOCATIONS

Director of Public Works/City Engineer Whitehead gave the staff report. For local governments to establish speed limits other than the prima facie speed limits specified in the California Vehicle Code, where enforcement involves the use of radar or other electronic speed measuring devices, an engineering and traffic survey must be completed. An engineering and traffic survey includes traffic engineering measurement of prevailing speeds (normally a minimum of 100 vehicles are surveyed in each direction); and a review of accident history, adjacent land uses, roadway design and configuration, school zones, and other considerations so that a "speed trap" as prohibited by the California Vehicle Code, Section 40801, has not been created. By law, for the legal use of radar in traffic enforcement, engineering and traffic surveys are required to have been conducted within the previous five years and the speed limits designated are based on those surveys. The speed limit is established at the 85-percentile speed (critical speed) or within the first five-mile per hour increment below the 85-percentile speed (Manual of Uniform Traffic Control Devices (MUTCD) California Supplement, Section 2B.13). The 85-percentile speed is defined as "that speed at or below which 85 percent of the traffic is moving." Speed limits higher than the 85-percentile speed are not generally considered reasonable and safe, and limits below the 85-percentile speed do not facilitate the orderly movement of traffic.

Engineering and traffic surveys were conducted for the certain street segments because there was no speed zone established on that particular segment. Radar enforcement is an effective tool utilized by law enforcement. The inability to utilize radar severely reduces the effectiveness of enforcement efforts. Five new roadway segments were surveyed in accordance with the guidelines outlined in the California Vehicle Code and the MUTCD. The Traffic Committee reviewed the surveys and recommended the following new speed limits:

- Battles Road, (40 mph), between Blosser Road on the east and A Street on the west.
- Battles Road, (40 mph), between Depot Street on the west and Blosser Road on the west.
- Bradley Road, (45 mph), between Battles Road on the north and Betteravia Road on the south.
- Sonya Lane, (30 mph), between Pergola Street on the east and Blosser Road on the west.

- Western Avenue, (30 mph), between Battles Road on the north and Carmen Lane on the south.

Councilmember Trujillo stated he wanted the public to know that the Public Works Department went to a lot of work to make sure the recommendations were viable.

Ordinance No. 2008-28 approving the recommended speed limits in five locations was introduced by title only for first reading and continued to the next meeting for second reading and adoption on motion by Councilmember Orach, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Ordinance No. 2008-28 introduced. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AMENDING CHAPTER 7-4, SPEED LIMITS, OF THE SANTA MARIA MUNICIPAL CODE.

CITY MANAGER'S REPORT
Assistant City Manager Haydon reported on anticipated items for the December 2, 2008, City Council meeting including public hearings for a General Plan Amendment and Zoning Text Amendment to establish a Highway Commercial Zone, and a Planned Development Permit for Lakeview Promenade. Additionally, there would be Regular Business items regarding Orcutt Water Sales and a proposed ordinance regarding rules of conduct at the new main Library.

ORAL REPORTS BY COUNCILMEMBERS
Councilmember Trujillo reported that he attended a Veteran's Day program and was one of the speakers for the Marian Senior Citizens Group at the Marian Residence. He also attended a fundraising meeting for Marian Hospital.

Councilmember Patino reported on her attendance at the following: on November 5th, a meeting at the Good Samaritan Shelter honoring Alicia Rodriguez, a third grader who collected 500 coats and was now starting on a food drive; on November 6th, the annual Employee Awards Dinner for City Employees; on November 9th, the Petroleum Engineers Industry Dinner at the Elks Club; on November 11th, the Veteran's Day ceremony at the Santa Maria Cemetery; on November 15th, the retirement dinner for David Francis; and on November 17th, the "Meet the New General Manager of the Santa Maria Public Airport," Mr. Chris Hastert.

Mayor Lavagnino reported that on November 5th, he attended the meeting at the Good Samaritan Shelter honoring Alicia Rodriguez; on November 6th, he attended a Celebrate Philanthropy luncheon at the Country Club and the Employee Awards dinner; on November 11th, he attended the St. Jude Hospital Thank You Dinner to thank those who helped raise $616,000; and on November 12th, he attended the Future Business Leaders Lunch at Maldonado Center. He also went to Spokane, Washington, to attend his grandson's wedding.

Councilmember Zacarías stated she was gone 11 out of the past 14 days, and announced that the doctor had released her to go back to work and to drive.

Councilmember Orach reported that he attended the Future Business Leaders luncheon; the Employee Awards Dinner; the Good Samaritan meeting; on November 12th, the Celebration of 90 Years of Life Dinner; on November 13th, the Bread Homage Grand Opening of the Panera Bread Café and the Allan Hancock College Celebrate Success reception; on November 15th, the retirement party for David Francis; and on November 17th, the Meet the New Manager at the Airport.

CLOSED SESSION:
Council recessed to a Closed Session at 7:40 p.m. for Conference With Real Property Negotiators pursuant to Government Code Section 54956.8 regarding Property: Nipomo Community Services District, Agency Negotiator: Rick Sweet, Utilities Director, Negotiating Parties: Bruce Buell, General Manager, Under Negotiation: Price and terms of payment of water; Conference with Labor Negotiators pursuant to Section 54957.6 of the Government Code: Agency Representative: Assistant City Manager, Employee Organization: Santa Maria Police Officers Association (SMPOA); Public Employee Performance Evaluations pursuant to Subsection (e) of Government Code Section 54957 and Conference with Labor Negotiator pursuant to Government Code Section 54957.6: Agency representative: Mayor, Title: City Manager and City Attorney

After the Closed Session, the following report was given:

Conference with Real Property Negotiators – Nipomo Community Services District: Direction given to agency negotiator.

Conference with Labor Negotiators – SMPOA: Direction given to agency representative.

Public Employee Performance Evaluations & Conference with Labor Negotiator – City Manager and City Attorney: Evaluations given to employees and direction given to staff.

Adjourned the meeting in honor of Terry Sheehy and Albert Montes.

ADJOURNMENT
There being no further business to come before the City Council at this time, the meeting was declared adjourned by Mayor Lavagnino at 8:45 p.m. in honor of Terry Sheehy and Albert Montes who passed away recently.

APPROVED

December 2, 2008
Date

Patricia A. Perez
Chief Deputy City Clerk of the City of Santa Maria and ex officio Clerk of the City Council

ATTEST

Patricia A. Perez
Chief Deputy City Clerk

A. D. Lavagnino
Mayor of the City of Santa Maria